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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,090	12/29/2000	Jeffery F. Harness	2207/10377	6380
23838	7590	11/15/2005	EXAMINER	
KENYON & KENYON 1500 K STREET NW SUITE 700 WASHINGTON, DC 20005			DO, CHAT C	
			ART UNIT	PAPER NUMBER
			2193	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/750,090

Applicant(s)

HARNESS ET AL.

Examiner

Chat C. Do

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005 and 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-6, 11-18 and 20-25 is/are allowed.
- 6) ☒ Claim(s) 1, 7-10 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This communication is responsive to Amendment filed 03/18/2005 and 09/19/2005.
2. Claims 1-25 are pending in this application. Claims 1-2, 10-11, and 19-20 are independent claims. This Office Action is made non-final after a RCE filed 09/19/2005.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 7, 10, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Obinata (U.S. 5,034,744).

Re claim 1, Obinata discloses in Figure 1 a method of filtering over-sampled data (e.g. col. 2 lines 35-63) comprising: receiving (e.g. part 20 in Figure 1) a word of over-sampled data including a plurality of sample bits for each of a plurality of data bits (e.g. col. 3 lines 57-63); detecting (e.g. col. 2 lines 46-62) a sample bit having one logic value and, adjacent bits on both sides of said sample bit each having an opposite logic value to the one logic value of said sample bit (e.g. to suppress the glitch(es), the circuit as seen must detect the glitch(es) with different raise or fall edge); and outputting (e.g. output of

Figure 1) the received word with the sample bit having said one logic value inverted (e.g. abstract).

Re claim 7, Obinata further discloses in Figure 1 over-sampling data and receiving word from at least one over-sampler (e.g. part 20 in Figure 1 and col. 3 lines 57-63).

Re claim 10, it is an apparatus claim of claim 1. Thus, claim 10 is also rejected under the same rationale in the rejection of rejected claim 1.

Re claim 19, it is a computer readable memory containing program instruction claim of claim 1. Thus, claim 19 is also rejected under the same rationale in the rejection of rejected claim 1.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being obvious over Obinata (U.S. 5,034,744).

Re claims 8-9, Obinata does not disclose in Figure 1 a step of receiving word from an over-sampler or between two over-samplers wherein the over-sampled data is USB 2.0 data. However, the examiner takes an official notice that the technique of selecting data from multiple input source as over-samplers and USB 2.0 data are known

Art Unit: 2193

in the art. Therefore, it would have been obvious application to a person having ordinary skill in the art at the time the invention is made to apply difference data as USB 2.0 or samplers into Obinata's invention because it would enable to correct any undesirable sequence or irregular sequence and provide a desired sequence without loss of integrity (e.g. col. 1 lines 10-20 and col. 2 lines 43-62).

***Allowable Subject Matter***

7. Claims 2-6, 11-18, and 20-25 are allowed.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 7-10, and 19 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chat C. Do whose telephone number is (571) 272-3721. The examiner can normally be reached on M => F from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chaki Kakali can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2193

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chat C. Do  
Examiner  
Art Unit 2193

November 9, 2005

A handwritten signature in black ink, appearing to be 'Chat C. Do', written in a cursive style with a large loop at the end.